

# Sills Cummis & Gross

A Professional Corporation

The Legal Center  
One Riverfront Plaza  
Newark, New Jersey 07102  
Tel: (973) 643-7000  
Fax (973) 643-6500

101 Park Avenue  
28<sup>th</sup> Floor  
New York, NY 10178  
Tel: (212) 643-7000  
Fax: (212) 643-6500

Joseph B. Shumofsky, Esq.  
Member  
Direct Dial: 973-643-5382  
Email: jshumofsky@sillscummis.com

September 7, 2023

**VIA ECF**

Honorable Madeline Cox Arleo  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

**Re: *Nina Agdal v. Dillon Danis*, 23-CV-16873 (MCA)(MAH)**

Dear Judge Arleo,

We represent Plaintiff Nina Agdal in the above-referenced case, filed yesterday, September 6, 2023. In her Verified Complaint, Ms. Agdal asserts claims against Defendant for violating 15 U.S.C. § 6851 (the 2022 Violence Against Women Act Reauthorization) and N.J. Stat. § 2A:58D-1, based on his posting of a nonconsensual, sexually explicit photograph of Ms. Agdal on the internet, without her consent, in the course of an ongoing campaign of cyber harassment and bullying against her.

As authorized by those same statutes, Plaintiff has moved for a temporary restraining order that would prevent Defendant and all persons in active concert or participation with him from (1) posting sexually explicit photographs of Plaintiff on the internet without her consent, and from (2) posting content in any way depicting or portraying Plaintiff that Defendant knows or has reason to believe was never meant to be shared publicly or was obtained without consent, through the hacking of any of Plaintiff's accounts or devices, or through any other illegal or unauthorized means.

At 3:17 PM EST yesterday afternoon, as this case was in the process of being opened, we emailed Defendant's manager<sup>1</sup> with a full set of all filings: the Verified Complaint, the Memorandum of Law in Support of Temporary Restraining Order, the three declarations and

---

<sup>1</sup> Defendant is a mixed martial artist and boxer whose professional affairs are managed by a sports management company.

**Sills Cummis & Gross**  
A Professional Corporation

Honorable Madeline Cox Arleo  
September 7, 2023  
Page 2

exhibits, and the Proposed Order to Show Cause (along with a Notice of Commencement of Litigation asking that Defendant take steps to preserve all relevant materials). We asked Defendant's manager to forward all the materials to Defendant. Later in the afternoon, we followed up by emailing Defendant's manager again with the Court-stamped versions of the Court filings and the Clerk-issued summons to Defendant.

Although we did not receive a response to either one of the emails, at 4:00 PM EST yesterday afternoon—*i.e.*, within 45 minutes of initially emailing the case-initiating documents to Defendant's manager—Defendant posted the following to his X account:



Thus, it is evident Defendant has notice of the lawsuit and Ms. Agdal's request for temporary restraints. More significantly and concerning to Ms. Agdal is Defendant's contempt for the Justice System and indication he intends to move forward with his threatened conduct, explicitly stating that "[he] won't stop" and "*fuck the system come get [him].*" (emphasis added).

Defendant's open disrespect for the judicial process and his statement that he has no intention of stopping his conduct underscore the need for a temporary restraining order against Defendant to prevent the likelihood of imminent, irreparable harm to Ms. Agdal. Indeed, while they did not include any explicit, sexual images, Defendant continued his harassment of Ms. Agdal in additional social media posts yesterday, subsequent to the one above.

Under these circumstances, Ms. Agdal respectfully requests this Court to enter a temporary restraining order immediately, which may be challenged by Defendant at a later time, upon his appearance in the case. Of course, as the Verified Complaint makes clear, Plaintiff is *not* seeking "prison time" for Defendant.

**Sills Cummis & Gross**  
A Professional Corporation

Honorable Madeline Cox Arleo  
September 7, 2023  
Page 3

We currently are attempting to effect prompt service of the summons and case filings upon Defendant, who, as noted above, already has actual knowledge of the case.

Thank You for Your attention in this matter.

Respectfully submitted,

/s/ Joseph B. Shumofsky

**Sills Cummis & Gross P.C.**  
Joseph B. Shumofsky

/s/ Jeffrey A. Neiman

**Marcus Neiman Rashbaum &  
Pineiro LLP**  
Jeffrey A. Neiman  
(*pro hac vice forthcoming*)

Cc: Defendant Dillon Danis (via email to his manager)